



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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April 16, 2012

Reply to the attention of Ron Wallace  
ALC File: 52582

Urban Connections  
PO Box 313  
Suite 100 – 8305 – 68<sup>th</sup> Avenue  
Osoyoos, BC  
V0H 1V0

Attention: Brad Elenko

**Re: Application for Subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #160/2012 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Penticton



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 19, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
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### APPLICATION ID: #52582

**PROPOSAL:** To subdivide a 0.4 ha lot from the 4.4 ha parcel. The proposed 0.4 ha lot is topographically isolated from the 4 ha upland, cultivated portion of the property. (Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

#### PROPERTY

**Owner:** Chris John Harp and Laura Ann Harp (As Joint Tenants)  
**Date of Acquisition:** November 24, 2009  
**Parcel ID:** 027-900-550  
**Title No.** CA1860531  
**Legal Description:** Lot B District Lot 190 SDYD Plan KAP88973  
**Civic Address:** 3865 Valleyview Road, Penticton  
**Size:** 4.4 ha  
**Area in ALR:** 4.4 ha  
**Current Land Use:** Farm  
**Farm Classification:**  Yes  No  
(BC Assessment)

### SITE INSPECTION MEETING:

A site inspection meeting was conducted on February 16, 2012 following which a report was prepared. The site inspection meeting report was sent by e-mail to Agent, Brad Elenko – Urban Connections; he responded with some minor corrections to the report.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before

the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

## COMMISSION CONSIDERATION:

### Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### Agricultural Capability

Based on the information contained in Map 82E.043 (Scale 1:20,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 6:6AT 4:5TA Improved Rating: (6:3TA 4:3T)

Unimproved Rating: 5TA Improved Rating: (8:3T 2:3TN)

Unimproved Rating: 8:5TA 2:7TE Improved Rating: (4:3T 4:3TN 2:7TE)

Unimproved Rating: 5A Improved Rating: (2A)

#### Class and Subclass Descriptions

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

A soil moisture deficiency  
T topography  
E erosion  
N salts

### Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

## Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission reviewed this application for subdivision in context with its previous decision to include the subject 0.4 ha area into the ALR as a condition of another boundary line adjustment application. While the Commission recognizes the topographical limitations of the proposed lot, it remains concerned that the creation of an additional residential lot in the area could impact or reduce the agricultural potential of the subject property. For this reason, the Commission refused the proposed subdivision.

### CONCLUSIONS:

1. That the proposed subdivision could negatively impact agriculture.
2. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### IT WAS

**MOVED BY:** Commissioner Jennifer Dyson  
**SECONDED BY:** Commissioner Richard Bullock

THAT the application to subdivide a 0.4 ha lot from the 4.4 ha parcel be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
  - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

### CARRIED

Resolution # 160/2012